

**Department of Corrections Advisory Council
Great Falls Prerelease Center
Minutes**

December 2-3, 2008

Please note: These are summary minutes. The minutes are also accompanied by an audio recording. For each capitalized bold heading listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Department of Corrections homepage at cor.mt.gov under Features, subheading DOC Advisory Council.

To hear the audio recording, click on the date link.

Members Present

Bob Peake	Sen. Trudi Schmidt
Rep. Tim Callahan	Cnty. Comm. Allan Underdal
Sheriff Dave Castle	Channis Whiteman
Dist. Judge Kurt Krueger	Sen. Steve Gallus

Members Excused

Sen. Jim Shockley	Cnty. Attorney George Corn
Kevin Madman	Kris Copenhaver
Lt. Gov. John Bohlinger	

Staff Present

Mike Ferriter	Pam Bunke
Mike Mahoney	Ross Swanson
Sam Lemaich	Myrna Omholt-Mason
Nikki Pearson	Pat Smith

Guests

Lily Yamamoto	Dustin DeYoung
Niki Zupanich	Jerry Marble
Jess O'Hara	Clayton Briden
Jim Smith	Robert Mehlhoff

The Advisory Council met December 2-3, 2008 in the conference room at the Great Falls Prerelease center. Sen. Trudi Schmidt called the December 2, 2008 meeting to order at 1:00 p.m. as Sen. Gallus was detained due to winter road conditions.

Minutes approval- The August, 2008 minutes were approved by a motion to accept by Allan Underdal and seconded by Tim Callahan.

December 2, 2008 first part of afternoon session – [Download Audio](#)

0:00:00 **EXPLANATION OF NEW OFFENDER MANAGEMENT INFORMATION SYSTEM**

Report presented by: Mike Hausler, business analyst w/ DOC via telephone conference

Discussion topics: Development of the OMIS system; OMIS benefits; major accomplishments of OMIS; differences between ACIS (old database collection system) vs. OMIS; offender information and features available in OMIS; overview of reporting tab functions

01:02:35 **BRIEFING ON DRUG COURT OPERATIONS**

Report presented by: Nikki Pearson, Great Falls probation & parole officer

Discussion topics: Overview of drug/family/juvenile treatment courts; benefits of offenders in drug court vs. prison; protocol attending a court hearing

Council meeting adjourned to observe drug court in session at the courthouse - the meeting reconvened at 3:00 pm

December 2, 2008 second part of afternoon session – [Download Audio](#)

0:00:00 **SUPERVISION STRATEGIES AND U.A. TESTING**

Report presented by: Ron Alsbury, Probation & Parole ACCD bureau chief and Annette Carter - POII Helena via telephone conference

Discussion topics: How bureau conducts UA testing of offenders on supervision; how officers form and develop a case plan; new policy implemented using computerized testing; caseload audits; ESP program explained

42:34.0 **PUBLIC COMMENT:**

Gerry Marble, Missoula, voiced concerns pertaining to his son's supervision regarding lack of regular (unscheduled to the offender) UA testing and lack of home visits. Mr. Marble requested to be allowed to review his son's probation plan to verify how many times his son was to be tested. He would like the question addressed of a possible conflict of interest relative to the MSP staff person that determines sex offender levels having his own private treatment practice on the side.

53:20.0 **FURTHER COMMENTS BY ANNETTE CARTER**

Discussion topics: Advanced detection systems; comments by Judge Krueger and Bob Peak

55:44.0

Adjourn

DOC BUDGET PLAN, 2009 LEGISLATURE

Report presented by: Rhonda Schaffer, Administrative and Financial Services Division administrator via telephone conference

Audio recording equipment malfunctioned for a portion of Ms. Schaffer's presentation of the budget. Summation of presentation is as follows until audio began working:

Last session DOC received funding to add additional P&P officers, fund the juvenile re-entry program and provide rate increases for regional prisons, prereleases, and treatment programs.. Additional funding was allocated for the annualization and expansion of community correction programs and secure care projected offender growth.

Programs receiving approval in the last session are: added two meth treatment centers; two sanction, assessment and revocation centers for men and women; a drug treatment program for women; an expanded felony DUI treatment program; intensive treatment units for sex offenders and chemically dependent inmates at MSP; and expansion of the work and re-entry center at MSP to prepare inmates for return to communities.

Bed growth request includes: 37 prison beds, 183 alternative beds (53 prerelease center/50 DUI/50 Connections/30 START) and 20 FTE for P&P to handle the projected growth of 1128 offenders. Additionally, this budget proposal also addresses the funding for a 116 bed sex offender treatment facility approved in the last session.

- Base budget FY 2008 is \$157,271,968
- Present Law base adjustment FY 2010 is \$28,836,856
- New proposals for FY 2010 are \$3,360,250
- Total DOC budget for FY 2010 is \$189, 469,074
- Present law base adjustment for FY2011 is \$32,635,260
- New proposals for FY 2011 are \$2,975.079
- Total DOC budget for FY 2011 is \$192,882,307
- BIENNIAL TOTAL FOR FY2011 IS \$382,351,381

In the 2011 biennium the department is requesting funding in HB2 for \$61,472,116 or 91% to maintain the present law programs. 9% or \$6,335,329 is for new proposals of:

- \$1,622,595 - juvenile re-entry that was designated one time only in the last session by mistake
- \$1,177,874 - rate increases for prerelease/treatment programs/MASC
- \$858,986 - annualized Mental Health Medication and Services (money from DPHHS in last session)
- \$779,400 - rate increases anticipated for regional prison facilities in accordance with 53-30-507

December 3, 2008 morning session part 1 – Download Audio

- 00:00:00 Ms. Schaffer explained the following items line by line
- \$545,000 - OTO for information technology (electronic records/computers BOPP/Collections Unit SS\$510k)
 - \$493,000 - OTO for equipment or repairs
 - \$487,642 - MSP staff transportation \$405k general fund and \$83k state special authority to collect portion of cost
 - \$292,724 - produce farming
 - \$78,108 - fixed cost workers comp management
 - Total of present law/new proposals is \$67,807,445

General questions regarding budget proposals from council members

18:56.0 **PROPOSED LEGISLATION FOR 2009 SESSION**

Report presented by: Brenda Elias and Diana Koch DOC staff attorneys via telephone conference

- 19:52.0 LC 308 - revise mental illness evaluations in criminal justice system (guilty but mentally ill offenders) DOC and DPHHS collaborative effort

Actions: Judge Krueger recommended language change allowing judges to have the option to appoint an outside expert to do evaluations

- 31:02.0 LC309 - cost of care contributions under Youth Court Act
Questions/discussion from council members relative to DOC taking over cost of care collections previously done by Child Support Enforcement Division

Actions: Sen. Schmidt requested Brenda call Lonnie Olson, administrator of CSED, to discuss the possibility of entering into a contract situation w/ CSED for CSED to continue doing the cost contributions collections

- 1:08:54 LC310 - Clarify prison industries and training programs by clarifying sections of code

- 1:14:17 LC312 - Restitution and probationary supervision fees to strengthen collection language
- 1:18:29 LC311 - Prevent correctional commitment of youth with serious mental illness
Discussion: Mary Dalton, Steve Gibson and Deb Matteucci will meet to discuss whether to move forward with the bill

December 3, 2008 morning session part 2 – Download Audio

1:21:30-1:32:25 **BREAK**

1:32:34 **PUBLIC COMMENT:** No comment on either the budget or proposed legislation; welcome Rep.-elect Bob Mehlhoff

1:33:30 **PRESENTATION OF STRATEGIC PLANNING DISCUSSION**

Report presented by: Steve Carter and Ben Crooks of Carter Goble Lee Consultants; Marie Wilson and Jeff Sandholm of Dowling Sandholm Architects

Discussion topics:

- 1:33:45 methodology of how the long term strategic plan was developed; key findings relative to needs assessment based on five year projected offender population growth;
- 1:57:36 summary of needs assessment by category of offender;
- 2:00:43 existing facilities structural assessment presented by Jeff Sandholm and Marie Wilson
- 2:04:21 summary of facility development expansion options - female/male population, mental health/medical, prerelease, alternatives;
- 2:08:53 Recommended master plan - secure custody concept (new correctional complex in Billings area)
- 2:21:15 **Questions from the council:**
Sen. Schmidt asked if drug court were taken into consideration relative to alternative programs; mental health/medical if geriatric is included; spike in prison population 2004/2005-responses by Steve Carter and Mike Ferriter
- 2:24:37 Sen. Gallus asked about offender transportation problems encountered by all the facilities - response by Mike Ferriter
- 2:26:53 Sen. Schmidt asked about the location of proposed new site in Billings - response by Mike Ferriter and Ben Crooks
- 2:28:05 Sen. Gallus asked about building up as opposed to out - response by Steve Carter
- 2:28:56 Bob Peake asked for clarification of how male offender population was projected relative to historical trends- response by Steve Carter, Ben Crooks, and Ross Swanson
- 2:37:50 Sheriff Castle asked about other countries innovative ideas regarding offender management – response by Steve Carter
- 2:41:09 Sen. Schmidt asked how other states are managing their sex offender population – response by Steve Carter

2:45:30 Sen. Gallus asked about tier system/statutory rape sentence – response by Judge Krueger, Ben Crooks

2:45:55 Jeff Sandholm talked about population projections

2:48:39 Sen. Schmidt asked about the condition of the Gallatin County reentry facility – response by Sen. Gallus, Steve Carter and Mike Ferriter

2:50:14 Sen. Schmidt asked what the consultants found unique about Montana – response by Steve Carter

2:52:12 Jerry Marble asked about classification of felonies – response by Steve Carter and Sen. Gallus

2:53:47 Paul Corey, Great Falls prerelease asked about allowing low level sex offenders to come through a community correction type program i.e. prerelease centers – response by Steve Carter

2:55:20 Mike Ferriter, Steve Carter, Sen. Gallus, and Bob Peake commented to Mr. Marble’s felony classification question

2:57:03 Morning session adjourned for lunch

Afternoon session – continuation of strategic planning discussion – [Download Audio](#)

0:00:00 Sen. Gallus asked the council for their thoughts/questions regarding the consultant’s morning presentation

1:01:00 Sen. Schmidt asked if either consultant needed to go into greater detail about the plan – Ben Crooks talked about sex offenders and mental health issues and the dilemma what California is facing re: mental health care of offenders; DOC’s 80/20 philosophy

8:14:00 Bob Anez asked how DOC can achieve 1150 additional beds by 2015 – response by Ben Crooks, Jim Sandholm, and Jim Whaley

13:50:0 Sen. Schmidt asked what needs to be done during the 2009 session – response by Jim Whaley and Jim Sandholm

14:50:0 Sen. Schmidt asked for clarification as to what the council/DOC/ and/or legislature needs to do to move the plan forward by 2011 – response by Jim Sandholm

17:10:0 Bob Peak asked if the master plan includes personnel costs – response by Ben Crooks

18:52:0 Ross Swanson gave an overview of facility conditions/staffing at MSP & MWP/MASC moving to Billings

23:24:0 Sen. Gallus asked about MWP gender equity relative to treatment/programming – response by Ben Crooks

25:22:0 Bob Peake asked about waiting list for treatment beds – response by Ben Crooks

27:17:00 Ross Swanson spoke about treatment beds relative to sex offender population

28:54:0 Channis Whiteman asked if federal offenders are included in state statistics - response by Ben Crooks and Sen. Gallus

31:17:0 Judge Krueger asked if the consultants looked at the Hardin facility - response by Ben Crooks

32:57:0 Sen. Gallus asked if Hardin could be retrofitted - response by Ben Crooks

33:59:0 Sen. Schmidt asked who the Hardin facility was built to accommodate - response by Ben Crooks

35:51:0 Sen. Gallus asked if Capital Markets group constructed the Hardin facility - response by Ben Crooks

36:57:0 Sen. Schmidt asked where we, as a state, are at with the Hardin facility - response by Bob Anez relative to the proposed sex offender facility; Sen. Gallus talked about the facility siting act; Mike Ferriter addressed the issue of building standards; Ben Crooks gave his assessment of the building; Warden Sam Law recommendation that TRA contact DOC for guidance; Sheriff Castle's assessment;

43:27:0 Sen. Schmidt asked Rep. Callahan about his questions pertaining to recidivism - Rep. Callahan responded

43:54:0 Sen. Gallus asked the consultants if the council needed to focus on any certain portion of the plan - response by Ben Crooks and Bob Anez

45:53:0 Rep. Callahan asked clarification of timeline and what the council needs to do during the 2009 session - response by Jim Whaley

47:20:0 Bob Anez outlined the timeframe for the council to submit their recommendations relative to the plan for inclusion in the Governor's FY2012-2013 budget

49:11:0 Mike Ferriter gave an overview of the biennial report and 80/20 trend/ratios

58:54:0 Bob Peak stated that he wanted information included in the biennial report relative to youth transition center & guide homes funding/success statistics-it was not included - response by Mike Ferriter

1:02:36 Sen. Schmidt asked about a timeframe on getting the information relative to the youth transition center & guide homes - response by Bob Anez

1:03:11 Sen. Gallus reiterated the official request to have that information handed out as an addendum to the report for the 2009 session

1:04:25 Meeting wrap-up and next meeting date/place/time

- Next meeting will be held in Billings to tour MWP
- Meeting dates will be May 5 & 6, 2009
- Teleconference in mid-summer to discuss final recommendations to be submitted to the Governor